

**MISSOURI COURT OF APPEALS
WESTERN DISTRICT**

JAMES SLAVENS

APPELLANT,

v.

CHRISTINA A. SLAVENS

RESPONDENT.

DOCKET NUMBER WD74793

DATE: September 25, 2012

Appeal From:

Jackson County Circuit Court
The Honorable James F. Kanatzar, Judge

Appellate Judges:

Division Three: Victor C. Howard, Presiding Judge, Karen King Mitchell, Judge and Cynthia L. Martin, Judge

Attorneys:

Catherine Earnshaw-Hobbs, Lee's Summit, MO, for appellant.

James R. Piedimonte, Independence, MO, for respondent.

MISSOURI APPELLATE COURT OPINION SUMMARY

**MISSOURI COURT OF APPEALS
WESTERN DISTRICT**

JAMES SLAVENS,

APPELLANT,

v.

CHRISTINA A. SLAVENS,

RESPONDENT.

No. WD74793

Jackson County

Before Division Three: Victor C. Howard, Presiding Judge, Karen King Mitchell, Judge and Cynthia L. Martin, Judge

A Kansas court entered a judgment dissolving the marriage of James Slavens and Christina Slavens. James Slavens filed a motion to modify the Kansas judgment as to parenting time. The trial court denied the motion. James appeals, arguing that the trial court should have granted the motion because (1) the Kansas judgment should not have given full faith and credit, as Missouri has a greater sovereign interest than Kansas in protecting the relationships between its resident children and their parents; (2) the Kansas judgment was self-modifying and, therefore, unenforceable; and (3) the Kansas judgment does not comply with section 452.310.

DISMISSED.

Division Three holds: The motion to modify filed by James Slavens argued that his relocation to Missouri was a changed circumstance that necessitated modifying the Kansas judgment with respect to parenting time. James Slavens abandons that approach on appeal, instead attacking the validity of the Kansas judgment. A party must stand or fall by the theory on which he tried and submitted his case in the court below. Thus, the arguments for appeal are not preserved, leaving nothing for review.

Even if the arguments for appeal were preserved, they would be meritless. James Slavens conceded that he did not seek appellate review of the self-modifying provisions of the Kansas judgment. Further, the Kansas judgment was not suspect to collateral attack in Missouri courts because the defects James Slavens alleges are not defenses that may be raised to collaterally attack a foreign judgment. Lastly, James Slavens provides no authority to support his position that a foreign judgment is unenforceable for failing to comply with Missouri law.

Opinion by Cynthia L. Martin, Judge

September 25, 2012

This summary is UNOFFICIAL and should not be quoted or cited.
